

## STANDARD APPLICATION

# Harford County Board of Appeals

Bel Air, Maryland 21014

OCT 22 2003

Case No. 5380Date Filed 10/10/03

Hearing Date \_\_\_\_\_

Receipt \_\_\_\_\_

Fee \$ 950

Shaded Areas for Office Use Only

CASE 5380 MAP 49 TYPE Variances

## Type of Application

\_\_\_\_\_ Administrative Decision/Interpretation

\_\_\_\_\_ Special Exception

\_\_\_\_\_ Use Variance

\_\_\_\_\_ Change/Extension of Non-Conforming U

\_\_\_\_\_ Minor Area Variance

\_\_\_\_\_ Area Variance

\_\_\_\_\_ Variance from Requirements of the Code

\_\_\_\_\_ Zoning Map/Drafting Correction

ELECTION DISTRICT 3 LOCATION Intersection Todd and Brierhill Road, Bel Air, Md.

BY Seasons at Bel Air VI, LLC, c/o Sawyer Property Management of Md., 9658 Baltimore Ave.,  
College Park, Md. 20740

Appealed because a variance pursuant to Section 267-26C(4) of the Harford County Code to allow a structure (proposed gatehouse) within the required front yard setback. A variance pursuant to Section 267-24C(1) and (2) of the Harford County Code to allow a structure to be located within the visibility triangle at an intersection. A variance pursuant to Section 219-7K of the Harford County Sign Code to allow a development project identification sign structure to exceed 6 feet in height (7.25 feet from base of structure proposed) in a R3 District requires approval by the Board.

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

## Applicant/Owner (please print or type)

Name SEASONS AT BEL AIR VI, LLC Phone Number CONTACT ATTORNEYAddress C/O SAWYER PROPERTY MANAGEMENT OF MARYLAND, 9658 BALTIMORE AVENUE, COLLEGE PARK, MD 10740  
Street Number Street City State Zip CodeCo-Applicant N/A Phone Number \_\_\_\_\_Address \_\_\_\_\_  
Street Number Street City State Zip CodeContract Purchaser N/A Phone Number \_\_\_\_\_Address \_\_\_\_\_  
Street Number Street City State Zip CodeAttorney/Representative ALBERT J.A. YOUNG Phone Number 410-838-5500Address 200 S. MAIN STREET, BEL AIR, MD 21014  
Street Number Street City State Zip Code

Hearing: 12/17/03

Rev. 12/00

**Land Description**

Address and Location of Property INTERSECTION OF TODD ROAD AND BRIERHILL ROAD

Subdivision NONE Lot Number NONE

Acreage/Lot Size 6.562 AC Election District 03 Zoning R3

Tax Map No. 49 Grid No. 1D Parcel 365 Water/Sewer: Private \_\_\_\_\_ Public X

List ALL structures on property and current use: \_\_\_\_\_

Estimated time required to present case: 1 HOUR (WITHOUT OPPOSITION)

If this Appeal is in reference to a Building Permit, state number \_\_\_\_\_

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes \_\_\_\_\_ No X

If so, what is the Critical Area Land Use designations: \_\_\_\_\_

Is this request the result of a zoning enforcement investigation? Yes \_\_\_\_\_ No X

Is this request within one (1) mile of any incorporated town limits? Yes X No \_\_\_\_\_

**Request**

SEE ATTACHED  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Justification**

SEE ATTACHED  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

## HARFORD COUNTY BOARD OF APPEALS ZONING APPLICATION

### Seasons at Bel Air VI, LLC

#### **Background**

Seasons at Bel Air VI, LLC (the "Applicant") is the owner of the subject open space property, containing 6.562 acres, more or less, located on Todd Road, in Bel Air, Maryland. The Seasons at Bel Air is an apartment complex (formerly known as Greenbrier Apartments) fronting on Churchville Road (Maryland Route 22), with R4, Urban Residential, zoning.

The Applicant proposes to construct an identification sign (facing the intersection of Todd Road and Brierhill Drive). In addition, the applicant intends to construct a 96 sf (unmanned) gatehouse (facing Brierhill Drive), and a brick wall with piers, connecting the gatehouse and identification sign, extending approximately 50 feet in each direction from the corner of Todd Road and Brierhill Drive.

The proposed brick wall will be approximately 2' 7" in height, while the five brick piers (two housed at either end of the wall, two abutting each side of the identification sign, and one housed in the center of the wall facing Todd Road) will be approximately 5' 8" in height. The wall, piers, and sign will be "sited" on top of a slope that averages 1.5-5.5 feet above grade at the right-of-way. Accounting for the varying slope, the height of the brick piers will be approximately 7.25 feet from ground elevation.

#### **Request and Justification**

1. Variance from Section 267-24(C)(1) and (2), *Visibility at Intersecting Roads*, of the Code, to allow a structure to be located within the visibility triangle at an intersection.
2. Variance to Section 267-26(C)(4), *Use Limitations*, to construct the proposed gatehouse within the required front yard set back.
3. Variance to Section 219-7(K), *Exemptions*, of the Harford County Sign Code, to allow a development project identification sign structure to exceed 6 feet in height (7.25 feet proposed from base of structure) in an R4 District.

The subject property is an open space area located within the Seasons of Bel Air apartment complex. The Applicant proposes to construct an identification sign facing the road intersection. The proposed gatehouse is intended to be part of the fence structure surrounding the identification sign. The identification sign, and attaching brick wall, piers, and gatehouse, will be "sited" on top of a slope that ranges from 1.5 to 5.5 feet above the grade at the right-of-way. If not for the slope, the sign, wall, and piers would comply with the Code requirements. Strict compliance with the Code requirements would prohibit the Applicant from placing an identification sign visible from the traveled portion of Todd Road and Brierhill Drive. It is the intention of the Applicant to improve the aesthetics of the apartment complex, including substantial improvements to the apartment units, many of which have already been completed, and construction of the proposed fence, sign, and gatehouse. Applicant can operate in full compliance with all other provisions applicable to the Code requirements. For a detailed drawing of the proposed identification sign and gatehouse, see the attached Site/Variance Plan, prepared by George W. Stephens, Jr. and Associates, Inc.

**JAMES M. HARKINS**  
HARFORD COUNTY EXECUTIVE

**JOHN J. O'NEILL, JR.**  
DIRECTOR OF ADMINISTRATION



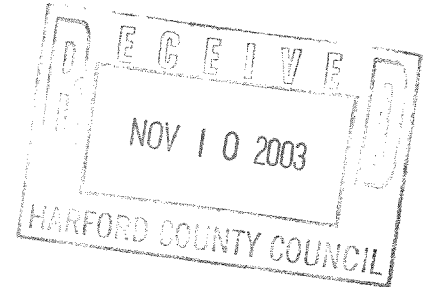
**J. STEVEN KAH-ZIEGLER**  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

### Department of Planning and Zoning

November 7, 2003

### STAFF REPORT



### BOARD OF APPEALS CASE NO. 5380

APPLICANT/OWNER: Seasons at Bel Air VI, LLC  
c/o Sawyer Property Management of Maryland  
9658 Baltimore Avenue, College Park, Maryland 20740

REPRESENTATIVE: Albert J.A. Young  
200 S. Main Street, Bel Air, Maryland 21014

LOCATION: Intersection of Todd Road and Brierhill Road  
Tax Map: 49 / Grid: 1D / Parcel: 865  
Election District: Third (3)

ACREAGE: 6.562± acres

ZONING: R3/Urban Residential District

DATE FILED: October 10, 2003

HEARING DATE: December 17, 2003

### APPLICANT'S REQUEST and JUSTIFICATION:

See Attachment 1.

### CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-26C(4) of the Harford County Code to allow a structure (proposed gatehouse) within the required front yard setback. A variance pursuant to Section 267-24C(1) and (2) of the Harford County Code to allow a structure

*Preserving our values, protecting our future*

MY DIRECT PHONE NUMBER IS (410) 638-3103  
220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

*This document is available in alternative format upon request.*

STAFF REPORT

Board of Appeals Case Number 5380

Seasons at Bel Air VI, LLC

Page 2 of 6

to be located within the visibility triangle at the intersection. A variance pursuant to Section 219-7K of the Harford County Sign Code to allow a development project identification sign structure to exceed 6 feet in height (7.25 feet from the base of structure proposed) in a R3/Urban Residential District.

Section 267-26C(4) of the Harford County Code reads:

*"No accessory use or structure shall be established within the required front yard, except agriculture, signs, fences, walls or parking area and projections or garages specified in Section 267-23C, Exceptions and modifications to minimum yard requirements."*

Section 267-24C(1) and (2) of the Harford County Code reads:

*"Visibility at intersecting roads.*

- (1) In order to provide for visibility across lots at intersection roads, there shall be a triangular area of clear vision on each corner lot. The triangular area shall be formed from a point on each road right-of-way line located twenty (20) feet for local roads, forty (40) feet for collector roads and sixty (60) feet for arterial roads from the intersection of the road right-of-way line, which abuts the lot and a third line connecting the two (2) points.*
- (2) On any portion of a lot that lies within the triangular area described above, no obstruction shall be placed in such a manner as to impede vision between a height of two and one half (2½) feet and ten (10) feet above the grade at the road right-of-way."*

Section 219-7K of the Harford County Sign Code reads:

*"Permanent residential entrance or development project identification signs. Residential entrance or development project identification sign with letters or advertising area not to exceed a total area of 32 square feet shall be permitted on the property, provided that it is located not less than 10 feet from the road right-of-way line. In addition, the height of the sign or structure shall not exceed 6 feet. If the parcel or lot has multiple frontage of a least 50 feet, additional signs with letters or advertising area not to exceed a total of 32 square feet shall be permitted. Such sign or structure shall not exceed 6 feet in height and shall not be located less than 10 feet from the road right-of-way. Said signs may be split entrance signs; however, the overall advertising area may not exceed the 32 square feet. [Added by Bill No.86-28]"*

## STAFF REPORT

Board of Appeals Case Number 5380

Seasons at Bel Air VI, LLC

Page 3 of 6

### **LAND USE and ZONING ANALYSIS:**

#### **Land Use – Master Plan:**

The subject property is located just east of the town limits of Bel Air, and south of Churchville Road (MD Route 22). The property is situated on the southeast corner of Brierhill Drive and Todd Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

This property is located within the Development Envelope. This area contains land use designations that include Low, Medium and High Intensities, and Neighborhood Centers. The Natural Features Map shows parks and stream buffers in the area. The subject property is designated as Medium Intensity, and is located adjacent to the Neighborhood Center. These designations are defined by the Master Plan as:

**Medium Intensity** - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, and other commercial uses are examples of some of the more intensive uses associated with this designation.

**Neighborhood Centers** - Areas of limited commercial activities such as convenience stores and service-oriented uses that serve surrounding residences.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Resources Map (Attachments 4 and 5).

#### **Land Use – Existing:**

The existing land uses in this area of the County conform to the intent of the 1996 Master Plan. Residential uses include single-family homes, garden apartments, townhouses and condominiums. Commercial uses are located along Churchville Road (MD Route 22) and include shopping centers, automotive services, individual retail and service uses. In addition, there are institutional uses that include schools, churches and parks. Enclosed with the report is a copy of the aerial photograph (Attachment 6).

There is an existing sign located at the corner of the property facing the intersection of Todd Road and Brierhill Drive. The entry sign is to be enhanced with a stonewall, fencing and a non-manned gatehouse. The subject parcel is approximately 6.562 acres and is irregular in shape. Other improvements include a ball field with a backstop. Brierhill Drive is designated as an Urban Collector Road and Todd Road is designated as a Primary Residential Road. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 7 and 8).

## STAFF REPORT

Board of Appeals Case Number 5380

Seasons at Bel Air VI, LLC

Page 4 of 6

### Zoning:

The zoning classifications in the area conform to the intent of the Master Plan as well as the existing land uses. Residential zoning ranges from R1 to R4/Urban Residential Districts. Commercial zoning includes B1/Neighborhood and B2/Community Business Districts. The subject property is zoned R3/Urban Residential District. Enclosed is a copy of the zoning map (Attachment 9).

### SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-26C(4) of the Harford County Code to allow a structure (proposed gatehouse) within the required front yard setback. A variance pursuant to Section 267-24C(1) and (2) of the Harford County Code to allow a structure to be located within the visibility triangle at the intersection. A variance pursuant to Section 219-7K of the Harford County Sign Code to allow a development project identification sign structure to exceed 6 feet in height (7.25 feet from the base of structure proposed) in a R3/Urban Residential District.

### 219-17 variances – sign code:

The Board may grant a variance from the provisions of this Chapter if, by reason of the configuration or irregular shape of the lot or by reason of topographic conditions or other exceptional circumstances unique to the lot or building, practical difficulty or unnecessary hardship results. The Board shall, before granting the variance, make a written finding as part of the record that the conditions or circumstances described are unique to the lot or building, that the conditions or circumstances cause the difficulty or hardship and that the variance is to be granted without impairment of the purpose and provisions of this chapter.

### 267-11 variances:

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

### Section 267-26C(4):

*“No accessory use or structure shall be established within the required front yard, except agriculture, signs, fences, walls or parking area and projections or garages specified in Section 267-23C, Exceptions and modifications to minimum yard requirements.”*

## STAFF REPORT

Board of Appeals Case Number 5380

Seasons at Bel Air VI, LLC

Page 5 of 6

Because of the topography of the site, the sign, wall/fencing and gatehouse are being located in the front yard. These proposed improvements will not have an impact on adjacent properties or traffic along Brierhill Drive and Todd Road. The sign and wall/fencing are permitted in the front yard. It would not be appropriate to move the gatehouse substantially behind these other structures.

### Section 267-24C(1) and (2):

*“Visibility at intersecting roads.*

- (1) In order to provide for visibility across lots at intersection roads, there shall be a triangular area of clear vision on each corner lot. The triangular area shall be formed from a point on each road right-of-way line located twenty (20) feet for local roads, forty (40) feet for collector roads and sixty (60) feet for arterial roads from the intersection of the road right-of-way line, which abuts the lot and a third line connecting the two (2) points.”*

Brierhill Drive is designated as a collector road and Todd Road is designated as a local road. The location of the proposed sign, wall/fencing and gatehouse are located outside of the clear sight triangle, therefore a variance from this requirement is not needed.

- (2) On any portion of a lot that lies within the triangular area described above, no obstruction shall be placed in such a manner as to impede vision between a height of two and one half (2½) feet and ten (10) feet above the grade at the road right-of-way.”*

Since the proposed sign, wall/fencing and gatehouse do not impact the visibility triangle, this section is not applicable.

### Section 219-7K:

*“Permanent residential entrance or development project identification signs. Residential entrance or development project identification sign with letters or advertising area not to exceed a total area of 32 square feet shall be permitted on the property, provided that it is located not less than 10 feet from the road right-of-way line. In addition, the height of the sign or structure shall not exceed 6 feet. If the parcel or lot has multiple frontage of at least 50 feet, additional signs with letters or advertising area not to exceed a total of 32 square feet shall be permitted. Such sign or structure shall not exceed 6 feet in height and shall not be located less than 10 feet from the road right-of-way. Said signs may be split entrance signs; however, the overall advertising area may not exceed the 32 square feet. [Added by Bill No.86-28] ”*

The existing sign is oval measuring approximately 4 feet tall and 6.5 feet long or approximately 26 square feet, which is less than the maximum 32 square feet permitted. The structure that holds the sign is located 13.5 feet from the property line at its closest point. The height of the



STAFF REPORT

Board of Appeals Case Number 5380

Seasons at Bel Air VI, LLC

Page 6 of 6

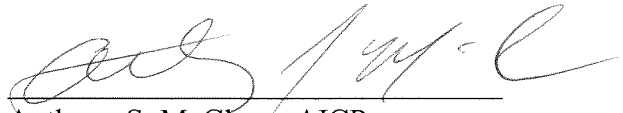
wall is approximately 2.7 feet. Due to the varying slopes, the height of the brick piers will be approximately 7.25 feet from the ground elevation. The Department finds that the subject property is unique based on the topography of the site and the right-of-way widths for the roads. The requested variance for the height of the sign structure shall have no adverse impact on the intent of the Code or on adjacent properties.

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the requested variance for the height of the sign structure and the location of the gatehouse be approved subject to the Applicant obtaining all necessary permits and inspections.



Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review



Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

DJS/ASM/ka